

STEERING, LEGISLATIVE & GOVERNMENTAL COMMITTEE

August 2, 2010

5:30 p.m.

Courthouse

MINUTES:

MEMBERS PRESENT:

Commissioner Jack Black
Commissioner Adam Coggin
Commissioner Gary Farley
Commissioner Jeff Jordan
Commissioner Jeff Phillips
Commissioner Steve Sandlin
Commissioner John Rodgers, C

OTHERS PRESENT:

Ernest Burgess Josh McCreary
Sonya Stephenson Jeremy Cothorn
Anthony Johnson Joseph Meshotto
Steve Schroder Lynzi Tyus
Kelli Perrien
Becky Shelton

Chairman Rodgers presided and called the meeting to order at 5:30p.m. with six members being present at that time.

MINUTES:

"Commissioner Coggin moved, seconded by Commissioner Black, to approve the minutes of the last meeting as mailed. This motion passed unanimously by acclamation."

FILL TWO VACANCIES ON CODES ENFORCEMENT ADJUSTMENTS & APPEALS BOARD:

Chairman Rodgers advised applications had been received from Joseph Meshotto, Robert Dean Warren and Daryl Alexander for appointment to the Codes Enforcement Adjustments & Appeals Board. Mr. Meshotto was in attendance and addressed the Committee. Following discussion,

"Commissioner Coggin moved, seconded by Commissioner Phillips, to accept all three applications and vote for two. Following roll call vote, Mr. Meshotto and Mr. Warren will be recommended for appointment to the Codes Enforcement Adjustments & Appeals Board with Commissioners Black, Coggin, Jordan, Phillips, Sandlin and Rodgers voting for Mr. Meshotto and Mr. Warren."

ANNOUNCE VACANCY ON CODES ENFORCEMENT BOARD TO FILL UNEXPIRED TERM OF CARL ALLEN TO EXPIRE SEPTEMBER, 2012:

Chairman Rodgers advised the vacancy on the Codes Enforcement Board to fill the unexpired term of Carl Allen which expires September, 2012 was being announced.

ANNOUNCE VACANCY ON BOARD OF ZONING APPEALS:

Chairman Rodgers advised the position of Linda Dansby on the Board of Zoning Appeals was expiring and accordingly being announced.

ANNOUNCE VACANCY ON BEER BOARD AND ALTERNATE VACANCY:

Chairman Rodgers advised the position of Jerry Sartain on the Beer Board was expiring and accordingly being announced. Additionally, the position of Matthew Young as an alternate on the Beer Board was expiring and also being announced.

ANNOUNCE VACANCY ON HIGHLAND RIM REGIONAL LIBRARY BOARD:

Chairman Rodgers advised the position of Frances James on the Highland Rim Regional Library Board was expiring and accordingly being announced.

HUMAN RESOURCES REPORT:

Sonya Stephenson presented the HR report covering the first and second quarters of the year for the use and information of the Committee. Following discussion,

"Commissioner Phillips moved, seconded by Commissioner Coggin, to approve the HR report as presented. This motion passed unanimously by acclamation."

ANTI-LITTER RESOLUTION:

The Committee was next provided the Anti-Litter Resolution which incorporated the change made at the last meeting changing Section 22 from three days to ten days. Following discussion,

"Commissioner Coggin moved, seconded by Commissioner Farley, to approve the Anti-Litter Resolution as presented. This motion passed unanimously by acclamation."

It was requested that a copy of the Anti-Litter Resolution be sent to all Commissioners with their agenda for the next Commission meeting.

USES OF RIGHT UNDER ZONING RESOLUTION:

Chairman Rodgers reminded the Committee of the discussion last month as to uses of right under the Zoning Resolution and the appearance of a weakness in the Zoning Ordinance as relates to religious institutions which can be in residential zoning as a matter of right. Commissioner Sparks presented a Resolution last month and the Committee requested a review by the County Attorney. Josh McCreary of the County Attorney's Office advised he did a review of the limited questions presented which were whether it is possible to amend the Zoning Resolution and if the Zoning Resolution is amended are there any laws to consider. Mr. McCreary advised the County has the authority to enact a Zoning Resolution and does have the authority to amend the same. There are three uses of right in the existing Resolution which are residential, agriculture and religious meeting places. As to whether there are any state or federal laws that may be implicated by amending the uses of right dealing with, among other things, religious meeting places, actions taken by government that could impair the exercise of religion may violate T.C.A. 4-1-407 (commonly known as the Tennessee Religious Freedom Restoration Act) which provides in part that no government entity shall substantially burden a person's free exercise of religion unless it demonstrates that application of the burden to the person is essential to further a compelling governmental interest and the least restrictive means for furthering that compelling governmental interest. Mr. McCreary advised, however, that it does not appear there is anything improper about requesting the Planning Department to study possible changes to the Zoning Resolution including removing religious uses from the uses of right. Any proposed change dealing with uses of right or other religious oriented uses should be made only with the Tennessee Religious Freedom Restoration Act in mind and properly considered. Therefore, it would be better to address a broader issue of assembly uses rather than only religious uses.

Commissioner Sandlin questioned the definition of religion and Mr. McCreary advised there are a lot of Supreme Court cases dealing with religion but the term religion is not defined in the Tennessee Religious Freedom Restoration Act.

Commissioner Sandlin questioned if a public hearing could be had on a rezoning. Mr. McCreary advised an issue cannot be cherry

picked and at present site plans do not require public hearings and procedure must be followed. If an applicant follows the established procedure then the County cannot make changes in the middle of the process and the Zoning Resolution must be followed.

The Committee was advised the current Zoning Resolution has been in place since 1984 and currently every section is being reviewed under the comprehensive study.

Chairman Rodgers advised he believed other jurisdictions did not allow use of right for religious uses and questioned if under the Tennessee Religious Freedom Restoration Act would there be a constitutional violation if churches had to meet the standard of general applicability. Mayor Burgess questioned if changes are made to the Zoning Resolution are there processes in place to defend general applicability. Mr. McCreary advised these issues will be considered in the Zoning Resolution and it may be easier to address in the comprehensive Zoning Resolution review that is underway. Mayor Burgess advised he was not sure it could stand a legal challenge without a comprehensive review. Commissioner Phillips advised the issue will go away in six months or so upon completion of the comprehensive study of the Zoning Resolution and it did not appear to be time well spent for the Steering Committee to study the same issue. Following discussion,

"Commissioner Black moved, seconded by Commissioner J. Jordan, to forward to the Planning Commission a Resolution requesting review of the desirability of withdrawing religious entities from the use of right in the comprehensive study of the Zoning Resolution. This motion passed unanimously by acclamation."

PUBLICATION OF MEETING NOTICES AND AGENDAS:

Chairman Rodgers advised Commissioner Shafer had requested discussion on placing all meeting notices and agendas on the County web site and Channel 19. Commissioner Phillips suggested putting this matter on the next Steering Committee agenda. Commissioner J. Jordan advised he was working on this issue and if re-elected would have something to present.

The Committee discussed rescheduling the next meeting due to Labor Day. However with the upcoming election and potential change of Commissioners it was decided to take no action at this time. The Committee was advised the new Steering Committee would be elected at the Commission meeting when the swearing in ceremony is held and the meeting date could be set then.

There appearing to be no further business to come before the Committee, Chairman Rodgers declared the meeting adjourned at 6:50 p.m.

JOHN RODGERS, Chairman